

### REMARKS

The Office Action of July 14, 2004 has been carefully considered.

Objection has been raised to Fig. 1, and a replacement sheet has been provided with labels.

Objection has been raised to the specification, and the appropriate amendment has been made.

Objection has been raised to claim 2, 16, 31 and 32 on the basis of cited informalities. These informalities have now been corrected as suggested in the Office Action.

Claims 1-32 have been rejected under 35 USC 112, 1<sup>st</sup> paragraph, on the basis that claim 1 lacks enablement. The Office Action alleges that the service collection unit of Fig. 4 and the aggregator of Fig. 5 are mutually exclusive embodiments, and cannot be combined in a single claim.

Applicants submit that this allegation is incorrect. Attention is directed to the statement at page 4, lines 7-11, that "[t]he various services are collected at a local service collection unit, also called an Optical Network Terminal (ONT) in the specification, processed into packets, and transmitted to an aggregator, which sorts the services from each service collection unit and joins together similar services from the various service collection units for transmission over the appropriate network."

Attention is also directed to page 5, lines 9-10, where it is stated that "[t]he packets are transmitted from a plurality of service collection units to an aggregator" and to page 8, lines 9-10, where it is stated that "[f]rom the service collection unit's optical transceiver, the data is sent over the local or metro access network to an aggregator ..."

Clearly, the specification discloses the claimed steps of

collecting services data in at least one service collection unit, processing the services data into packets, converting the packets into optical signals, and sorting the services data from the converted packets in an aggregator.

The service collection unit and the aggregator are separate modules having substantially mirror image functions, best shown in separate drawings. However, both units are required in the system in order to transmit services from a source to a destination.

Claim 1 has now been amended to clarify the steps by reciting that the aggregator module sorts the services data from the converted packets received from the metro network. This amendment is supported by the specification at page 4, lines 7-11 and page 6, lines 2-12.

Withdrawal of this rejection is requested.

Claim 1 has been provisionally rejected on grounds of obviousness-type double patenting over claim 1 of co-pending application serial no. 09/753,513.

Co-pending application serial no. 09/753,513 was filed on the same date as the present application and is generally directed to the same invention. However, the co-pending application claims only an apparatus, while the present application claims only a method. These applications were separately filed on the belief that apparatus and method claims would not have been examined together in the same application.

Should the Examiner believe, after consideration of the amended claims, that a terminal disclaimer is still appropriate, Applicants will file a terminal disclaimer when allowable subject matter is indicated.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in

condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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IN THE DRAWINGS:

Please replace Fig. 1 as filed with Fig. 1 (replacement sheet) as attached hereto.